

areDEVELOPMENT ASSESSMENT UNIT
Minutes of the Development Assessment Unit
Shire of Augusta Margaret River
10 April 2018

ATTENDANCE

Leigh Medlen, Angela Satre, Hillary Metcalfe, Chris McAtee

PLANNING APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	DA No.
03/04/2018	A7328	88 (Lot 75) Colyer Drive, Hamelin Bay	Building Envelope Variation	P218187
03/04/2018	A4836	1705 (Lot 4037) Jindong Treeton Road, Osmington	Amendment to Planning Approval P212251	P218188
03/04/2018	A2297	9455 (Lot 3) Caves Road, Karridale	Dwelling Additions (Alfresco/Outbuilding)	P218189
04/04/2018	A1554	360 (lot 153) Wilson Road, Kudardup	Rural Workers Accommodation	P218194
04/04/2018	A10431	13074 (Lot 102) Bussell Highway, Kurdardup	Farm Building Ancillary to Agriculture Extensive	P218195
04/04/2018	A10507	25 (Lot 442) Pimelia Drive, Margaret River	Dwelling Additions (Garage)	P218196
05/04/2018	A1169	17B Westbay Retreat Caravan Park	Caravan Park Addition	P218198
05/04/2018	A10235	Unit 15 / 37 Village Green, Margaret River	Grouped Dwelling	P218199
05/04/2018	A6189	93 (Lot 3) Holben Road, Cowaramup	Chalet / Recreation Private / Home Business	P218200

BUILDING LICENCE APPLICATIONS RECEIVED

Date Rec'd	Assess No.	Address	Proposal	BLDG No.
04/04/2018	A10064	Lot 471 Chenin Street, Cowaramup	Single Dwelling	218148
03/04/2018	A10059	Lot 32 Clayton Road, Treeton	Storage Shed	218154
03/04/2018	A10663	Lot 522 Yates Road, Margaret River	Unauthorised Works - Garage and Storeroom	218156
04/04/2018	A12634	Lot 731 Kevill Road West, Margaret River	Single Dwelling, Garage and Ancillary Accommodation	218158
05/04/2018	A12596	Lot 342 Le Soeuf Street, Margaret River	Single Dwelling, Shed and Carport	218159
05/04/2018	A2182	Lot 1 Bramley River Road, Osmington	Single Dwelling	218160
05/04/2018	A1281	Lot 81 Wilderness Road, Margaret River	Unauthorised Works - Timber Stairs	218161

SUBDIVISIONS DETERMINED

Date Rec'd	Officer	DA No.	Address	Description of Matter	Recommendation
01/11/2017	Matt Cuthbert	P217679	168 (Lot 57) Kevill Road East, Margaret River	Survey Strata	Approved

LEVEL 1 APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
16/02/2017	Matt Slocomb	64 (Lot 5) Baker Close, Augusta	Building Envelope Variation and Dwelling Additions	Cancelled	P217116
01/11/2017	Matt Cuthbert	168 (Lot 57) Kevill Road East, Margaret River	Survey Strata	Approved	P217679
06/11/2017	Matt Slocomb	Unit 2 29 (Strata Lot 2 of Lot 871) Chamberlain Place, Augusta	Grouped Dwelling	Approved	P217692
14/11/2017	Matt Slocomb	11 (Lot 509) Riverslea Drive, Margaret River	Holiday House (Large)	Approved	P217710
17/11/2017	Lara Hoole	14 (Lot 3) Goodenia Street, Margaret River	Dwelling Boundary Fence Retaining Wall and Fill	Approved	P217718
24/11/2017	Lara Hoole	10890 (Lot 5585) Bussell Highway, Forest Grove	Additions to Education Establishment (2 Classrooms, Water Tank, Playground, Parking and Extension to Performing Arts Centre)	Approved	P217737

19/01/2018	Matt Slocomb	42 (Lot 29) Karri Loop, Margaret River	Holiday House (Large)	Cancelled	P218031
23/01/2018	Clare Hamilton	11 (Lot 148) Grunters Way, Gnarabup	Holiday House (Large)	Approved	P218035
02/02/2018	Leigh Medlen	38 (Lot 579) Riverslea Drive, Margaret River	Bed and Breakfast	Approved	P218057

LEVEL 2 APPLICATIONS for determination under delegation

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.
27/02/2018	LM	3 (Lot 320) Wandoo Place, Cowaramup	Home Occupation (Artist)	Conditional Approval	P218108

LOCAL LAW PERMITS

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
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Nil

OTHER APPLICATIONS determined under delegation

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
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Nil

COMPLIANCE

Date Rec'd	Officer	Address	Proposal	Outcome	DA No.
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Nil

ELECTED MEMBERS ATTENTION

Date Rec'd	Officer	Address	Proposal	Outcome of DAU Meeting	DA No.

CLOSURE OF MEETING



DEVELOPMENT APPLICATION ASSESSMENT (DAU)
Report to Manager Planning and Development Services

Proposed Home Occupation (Artist) at 3 (Lot 320) Wandoo Place Cowaramup

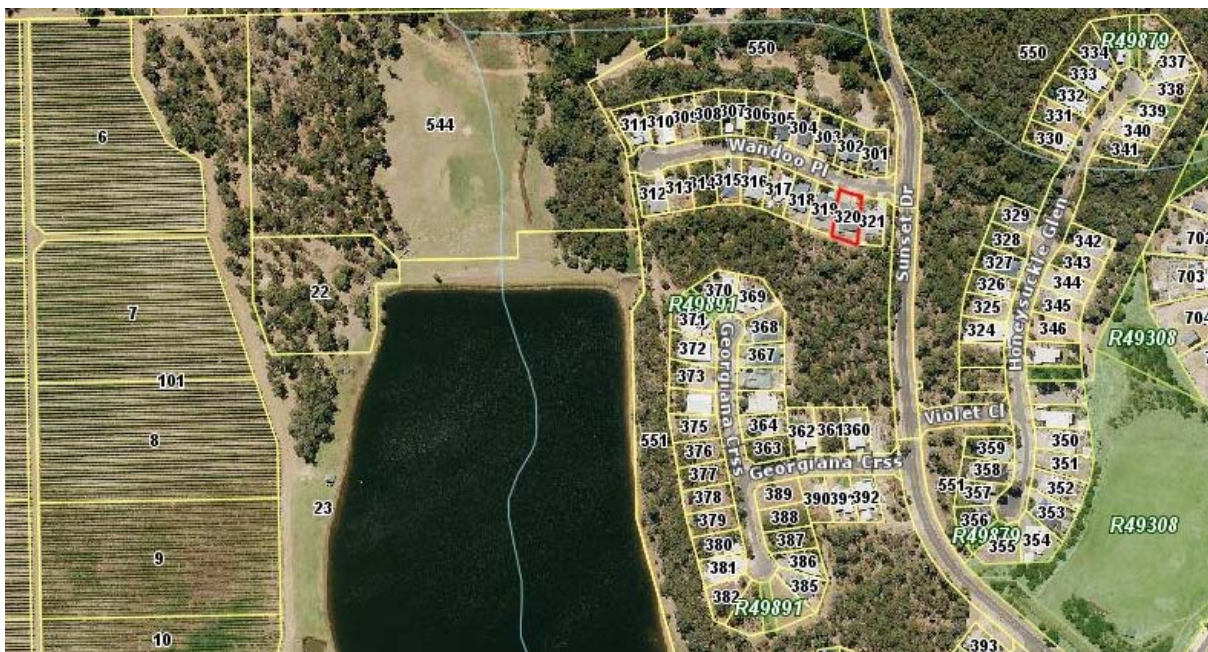
Major (Level 2)

P218108; PTY/9559

REPORTING OFFICER : Leigh Medlen
 DISCLOSURE OF INTEREST : Nil

General Information	
Lot Area	851m ²
Zone	Residential R12.5
Proposed Development	Planning approval is sought to use a portion (20m ²) of the area indicated as a 'Studio' within the existing dwelling for a Home Occupation (Artist). The applicant paints portraits of clients pets. No retail sales are proposed to be made at the property, no clients are intended to visit the property and no additional car parking is proposed or required on site.
Permissible Use Class	Home Occupation – Permitted.
Heritage/Aboriginal Sites	Nil
Encumbrance	Nil
Date Received	27/02/2018

Location Plans



Policy Requirements	
Is the land or proposal referred to in any Council Policy?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Structure Plans and Local Development Plans (DAP)	

Is the land in any Structure Plan Area or subject to a DAP? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, state the Policy/Policies Structure Plan Area 31 – West Cowaramup	
<i>Officer Comment</i>	The structure plan identifies the zoning for the subject property as 'Residential' with an applicable density code of R12.5. No further provisions apply.
Advertising/Agency Referrals	
Has the application been referred to adjoining landowners/agency?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Has a submission been received by Council?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A No. received: <u> 3 </u>
Have agency or authority comments been received?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Three objections were received during the public advertising period from four nearby landowners.	
Issues Raised	Officer Comment
<ul style="list-style-type: none"> The development covenants within the Parkwater Estate do not allow for work from home opportunities. More appropriate location would be within Mulberry Mews. <i>"It is unreasonable for other residents in this residential area to now be asked to accept the operation of a studio-based home work activity in our street."</i> <i>"Wandoo Place is a residential street that is why we bought and live here. Mulberry Mews, 1 street away is zoned for owner occupier businesses, why did she not build there?"</i> The operating hours of the Home Occupation are outside the standard business hours and as a result the lights within the studio spill into adjoining properties and impact upon neighbour's ability to sleep. Concerns were also raised regarding the compliance and use of the block out blinds that have been installed. The activity appears to have already commenced on site without the relevant Council approval. It is suggested that the house plans have been hand modified to show the Home Occupation area to be smaller than what is present on site. It is suggested the entire floor area of the 'studio' is used for the home occupation and the office or 'study' is used in conjunction to the business. The design of the house is intended to cater for clients so they do not have to enter the main part of the dwelling. This is due to the presence of an external facing toilet, clean-up sink and storage. <i>"The only possible reason for such an arrangement is to serve the needs of clients"</i> 	<p>The Shire of Augusta Margaret River have no authority over and do not enforce developer covenants. Home Occupations are Permitted uses within all Residentially zoned land under the Local Planning Scheme (The Scheme). Mulberry Mews is residentially zoned, as is Wandoo Place, no 'owner occupier' zoning exists under The Scheme. The application does not involve the sale of retail products, require additional car parking space, propose any signage and does not involve any clients visiting the site. On this basis the Home Occupation is considered small scale, unlikely to adversely impact neighbouring properties and is not considered to be unreasonable.</p> <p>Block out window treatments have been provided to all major openings to mitigate against any potential light pollution onto adjoining properties. All major openings are installed with translucent as well as block out blinds. The room used in association with the Home Occupation is installed with four residential downlights and the use of the block out blinds would address light spill onto adjoining neighbours in the evening. It is recommended that the use of the block out blinds is enforced through a condition of approval.</p> <p>The applicant was unaware of the need to obtain prior planning approval to operate the Home Occupation from the premises. The applicant has advised all artwork in association with the business would cease immediately until such time relevant approvals have been obtained. Since the installation of the block out blinds no concerns have been raised regarding the property. The applicant also undertakes artwork for hobby purposes which does not require prior approval.</p> <p>Upon a site inspection it was confirmed that a portion of the 'studio' room is used in association with the Home Occupation and for hobby art purposes. The remainder of the 'studio' is used for ancillary functions to the main dwelling, including a study and occasionally as an additional bedroom for visitors. The area used for the Home Occupation involves the use of 1 easel and associated smaller equipment including brushes, paints and canvases. The area used for the Home Occupation is therefore consistent with the provided plan and has not been hand modified as suggested. A home office is exempt from obtaining prior planning approval and therefore the applicant is permitted to undertake paperwork and associated office activities without prior approval.</p> <p>The presence of the external facing toilet is not a planning matter, nor does the presence of a toilet denote clients are, or are intended to, visit the property in association with the Home Occupation. The presence of storage space and toilets are common residential elements and are not matters relevant to this application or likely to adversely impact residential amenity. There are multiple alternative reasons for the presence of the</p>

<p><i>who are visiting the property in relation to the business being conducted in the studio.”</i></p> <ul style="list-style-type: none"> Potential expansions of the business beyond painting pet portraits to include undertaking art lessons at the property and clients visiting the property, due to the presence of security cameras. <i>“I base this judgement on the proliferation of security cameras external to the house/studio that cover areas where clients may access.”</i> Cars have been seen arriving at the property enquiring about the associated business. 		<p>toilet and the design of the dwelling is not the subject of this application.</p> <p>The presence of home security measures is not a planning matter, nor does it denote that clients are, or are intended to visit the premises in association with the Home Occupation. The current application does not detail any art lessons or clients visiting the property and these conclusions cannot be drawn from the presence of a security camera.</p> <p>There is no signage present, or proposed, to indicate that the property is used as a Home Occupation, that would direct people to the subject property. The predominant use of the property remains as a residential dwelling and cars visiting dwellings are considered to be ancillary and associated with residential uses. The application does not involve clients visiting the premises and this is recommended to be reflected as a condition of any approval granted.</p>
<p>Has the application been referred to internal departments?</p>		<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>
<p>The application was referred to Environmental Health. Environmental Health recommended a condition to be included should approval be granted.</p>		
<p>Assessment of Application</p>		
<p>Is the land referred in the Heritage Inventory?</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Are there any Contributions applicable?</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Are there any compliance issues in relation to existing development?</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>The use is existing, as a Development Application was requested to be lodged, due to concerns raised regarding light spill from the studio as a result of the owner painting at night. The owner was forthcoming with lodging the subject development application as well as installing block out blinds to limit any potential light spilling from the Studio. Since the installation of the block out blinds, no concerns have been raised regarding the property.</p>		
<p>R Codes</p>		
<p>Are R Codes applicable?</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Development Standards (Schedule 9)</p>		
<p>Are the development Standards applicable?</p>		<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>
<p>Car Parking</p>		
<p>Officer Comment</p>	<p>The site has 4 parking bays which consist of 2 in the carport and 2 on the driveway. The applicant does not intend to have any customers visit the property. If customers did visit the property there would be adequate car parking to wholly contain it onsite.</p>	
<p>Building Height</p>		
<p>N/A</p>		
<p>Clause 67</p>		
<p>A. In the opinion of the officer, would approval of the planning consent be appropriate under Clause 67 of the Deemed Provisions of the Scheme?</p>		
<p>Officer Comment</p>	<p>Yes.</p>	
<p>B. In the opinion of the officer:</p>		
<p>i. Are utility services available and adequate for the development?</p>		<p>No changes to the dwelling area are required.</p>
<p>ii. Has adequate provision been made for the landscaping and protection for any trees or other vegetation on the land?</p>		<p>N/A</p>
<p>iii. Has adequate provision been made for access for the development or facilities by disabled persons?</p>		<p>N/A</p>
<p>iv. Is development likely to cause detriment to the existing and likely future amenity of the neighbourhood?</p>		<p>No</p>
<p>v. Is the development likely to comply with AS3959 at the building permit stage?</p>		<p>Not Required</p>
<p>Other Comments</p>		
<p>Any further comments in relation to the application?</p>		
<p>Officer Comment</p>	<p>The proposed Home Occupation is consistent with the Local Planning Scheme No.1 and is recommended for conditional approval.</p>	

OFFICER RECOMMENDATION

That the Acting Statutory Planning Coordinator GRANTS Planning Consent under Delegated Authority Instrument No. 16 pursuant to Clause 68(2) of the Deemed Provisions of Local Planning Scheme No. 1 for Home Occupation (Artist) at No. 3 (Lot 320) Wandoo Place, Cowaramup subject to compliance with the following conditions:

CONDITIONS

1. The development is to be carried out in compliance with the plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent.

Plans and Specifications	P1 and P2 received at the Shires Offices on 27 February 2018.
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2. The development or use of the land shall not cause or permit to cause the escape of dust, smoke, fumes, offensive matter or foul odours in such quantity or of such nature as to unreasonably impact on the amenity of the locality. (EH)
3. All vehicles connected with the approved use shall be parked within the boundaries of the property at all times. (P)
4. The Home Occupation (Artist) hereby permitted shall not occupy an area greater than 20sqm.
5. Block out blinds shall be used to address light spill when activities associated with the Home Occupation are undertaken after 6pm and before 7am.
6. The Home Occupation hereby permitted shall not involve the retail sale, hire or display of goods or clients visiting the site.

ADVICE NOTES

- a) You are advised of the need to comply with the requirements of the following other legislation:
 - (i) This is not a Building Permit. A Building Permit must be issued by the relevant Permit Authority before any work commences on site as per the *Building Act 2011*;
 - (ii) *Health (Miscellaneous Provisions) Act 1911* and Department requirements in respect to the development and use of the premises; and
 - (iii) The *Bush Fires Act 1954* as amended, Section 33(3), Annual Bush Fires Notice applies to this property.
- b) A maximum of one advertisement sign describing the nature of the Home Occupation is permitted and must be no greater than 0.2sqm in area.